

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ARTHUR KITCHEN,	:	
	:	
Plaintiff,	:	Civil Action No.
	:	12-2199 (JLL)
v.	:	
	:	<u>MEMORANDUM OPINION</u>
ESSEX COUNTY CORRECTIONAL	:	<u>AND ORDER</u>
FACILITY et al.,	:	
	:	
Defendant.	:	
	:	

It appearing that:

1. On April 12, 2012, Plaintiff, a state prisoner, submitted for filing his civil complaint ("Complaint") and his application to prosecute this matter in forma pauperis.

[Docket Entry No. 1.] In his Complaint, Plaintiff asserted that, on January 21, 2012, he had been assaulted, without a provocation on his part, by unidentified correctional officers and suffered severe injuries. (Id. at 4, 6-7.)


2. The Court, therefore, screened Plaintiff's Complaint, pursuant to 28 U.S.C. § 1915(e)(2)(B), and determined that Plaintiff's allegations stated a claim within the meaning of Rule 8 of the Federal Rules of Civil Procedure, as interpreted in Ashcroft v. Iqbal, 556 U.S. 662 (2009).

[Docket Entry No. 2]. However, since Plaintiff's Complaint failed to identify the correctional officers who allegedly assaulted him, this Court - being mindful of the holding of

Alston v. Parker, 363 F.3d 229, 233 n.6 (3d Cir. 2004), directed the Clerk: (a) to execute service upon the Attorney General for the State of New Jersey, who was designated - for the purposes of the instant stage of these proceedings - to act as a constructive agent for service; and (b) file Plaintiff's Complaint so he could amend his pleading by identifying his Defendants and, thus, enabling service of process by the united States Marshal. (Id.)

3. On November 18, 2012, the Attorney General filed a letter informing the Court that Plaintiff had been served with relevant reports and medical records. [Docket Entry No. 17.] IT IS, therefore, on this 20 day of Nov., 2012, ORDERED that Plaintiff's amended complaint, identifying the individual Defendants in this matter and detailing his challenges against each Defendant shall be filed within forty-five days from the date of entry of this Memorandum Opinion and Order; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum Opinion and Order upon Plaintiff by certified mail, return receipt requested.



JOSE L. LINARES
United States District Judge